

## REMARKS

Applicants request favorable reconsideration and withdrawal of the rejection set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Claims 1-4 and 6-16 remain pending in the present application, with Claims 1 and 4 being independent claims. Claims 1 and 4 have been amended herein. Support for the amendments can be found throughout the originally-filed disclosure, including, for example, in Figure 3 and at paragraph 0037 of the Specification. Thus, Applicants submit the amendments include no new matter.

Claims 1-4 and 6-16 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Helbig (U.S. Patent Application Pub. No. 2002/0116257).

Applicants respectfully traverse the rejections. Nevertheless, without conceding the propriety of the rejections and solely to expedite prosecution, Applicants have amended independent claims 1 and 4 so as to clarify the distinctions between the claimed invention and Helbig. Applicants submit amended independent claims 1 and 4 are patentably distinguishable from Helbig for at least the following reasons.

Amended independent claim 1 recites, inter alia, providing an interface that includes a calculator allowing a user to calculate the number of loyalty points needed for a transaction to obtain an item. Similarly, amended independent claim 4 recites providing a calculator on an interface allowing a user to calculate the number of loyalty points needed to complete a transaction for a specified item.

The Office Action cites Helbig as disclosing a method of redeeming loyalty points, including, inter alia, accessing a specified item and providing the amount of loyalty points needed to redeem for the item, and collecting multiple items in an electronic shopping cart.

Assuming, arugendo, that Helbig discloses the features as asserted in the Office Action, Applicants still submit that Helbig fails to disclose or suggest amended

independent claims 1 and 4. In Applicants' view, Helbig merely discloses with respect to the redeeming of the incentives, an electronic shopping cart which may accumulate items. See, e.g., paragraph 0094. While Helbig shows the electronic shopping cart interface in which an item is collected (see Figure 11), at no point does Helbig specifically describe or show the interface for first collecting the item. As such, at no point does Helbig indicate that the interface for collecting item includes a calculator as recited in amended independent claims 1 and 4.

For at least the foregoing reasons, Applicants submit Helbig fails to disclose or suggest the invention recited in amended independent claims 1 and 4.

The remaining claims in this application are dependent claims which depend directly or indirectly from claims 1 and 4, and are therefore patentable for the reasons noted above with respect to claims 1 and 4. In addition, each of the dependent claims recites features of the invention still further distinguishing it from the applied references.

Favorable and independent consideration thereof is respectfully sought.

In particular with respect to the dependent claims, Applicants respectfully traverse the Official Notice taken in the Office Action that it is old and well within the marketing arts to allow loyalty member to use their awards to invest in retirement accounts, donate to charities, or buy life insurance. In Applicants' view, loyalty points are nearly always used in the context of a consumer purchase tangible items or services, e.g., rewards programs offered by credit card companies and frequent flyer miles in the airline industry.

Applicants do not believe applications of loyalty points being used with transactions such as contributions to IRA accounts, are well known as is asserted in the Office Action. Thus, Applicants respectfully request that the Office Action provide documentary evidence in support of the Official Notice. MPEP § 2144.03.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration, withdrawal of the outstanding rejections to the claims, and passage to issue of the present application.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below

Respectfully submitted,

/Donald H. Heckenberg, Jr./

---

Donald H. Heckenberg, Jr.  
Attorney for Applicants  
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
DHH:ntb

FCIS\_WS 2068046v1